

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PATRICIA MARTENS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22cv1225 (AJT/JFA)
)	
CARLOS DEL TORO,)	
)	
Defendant.)	
_____)	

ORDER


After 10:00 p.m. on Friday, April 14, 2023, plaintiff filed a motion for a one-day enlargement of the discovery close date and noticed that motion for a hearing on April 21, 2023. (Docket nos. 54, 55). Initially, plaintiff's motion was filed after the 5:00 p.m. deadline required in the Rule 16 scheduling order for being noticed for a hearing on Friday, April 21, 2023. (Docket no. 29, ¶ 9(e)). Plaintiff's motion also fails to address the delay in filing this motion since plaintiff was aware of the fact that the discovery requests were not actually served until March 16, 2023, which would put the response date after the time set for all discovery to be completed. Finally, plaintiff provides no reason or explanation whatsoever as to why he waited until the very last day discovery could be served to attempt to serve discovery in this case. Plaintiff has been aware that all discovery is to be completed by April 14, 2023 since the initial order was entered on December 2, 2022. (Docket no. 27).

Nevertheless, given the procedural posture of this case and the fact that the discovery was technically served only four minutes beyond the deadline, the court finds in the interest of justice it is appropriate to extend the discovery period for one-day so that plaintiff's discovery requests will be deemed served in a timely manner. Accordingly, it is

ORDERED that plaintiff's motion for enlargement of time is granted for the sole purpose of having the discovery served on March 16, 2023 at 12:03 a.m. deemed served in a timely manner. This ruling does not address whether plaintiff's discovery requests are substantively appropriate.

Entered this 17th day of April, 2023.

Alexandria, Virginia

 /s/ 
John F. Anderson
United States Magistrate Judge
John F. Anderson
United States Magistrate Judge